

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Charlestown Mall Site - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region II

Subject: POLREP #9
Progress RV-1
Charlestown Mall Site
A239
Frankfort, NY
Latitude: 43.0891260 Longitude: -75.1833230

To: Joe Rotola, USEPA, Region 2, ERRD-RAB
Dan Harkay, USEPA, Region 2, ERRD-RAB-RAS
Henry Guzman, USEPA, Region 2, ERRD-ORC
Irmee Lopez, USEPA, Region 2, ERRD-RAB
Tim Grier, USEPA, Headquarters, 5202G
Louis Carrock, NYS DOL
Michael Fiore, U.S. EPA Region 2, OIG
Cecilia Echols, U.S. EPA, Region 2, PAD-ICAB-CAT
Joseph Kinney, Town of Frankfort
Robert Senior, NYSDEC Region 6
Nels Magnuson, NYSDEC Region 6
Michael Dangler, NYSDEC BECI

From: Terry Kish, On Scene Coordinator

Date: 10/21/2010

Reporting Period: 10/04/10 - 10/10/10

1. Introduction

1.1 Background

Site Number:	A239	Contract Number:	EP-S2-10-01
D.O. Number:	10	Action Memo Date:	7/16/2010
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	8/16/2010	Start Date:	8/16/2010
Demob Date:		Completion Date:	
CERCLIS ID:	NYC200400513	RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:		Reimbursable Account #:	

1.1.1 Incident Category

Inactive Production Facility

1.1.2 Site Description

1.1.2.1 Location

The Charlestown Mall Site is located at 2205 Bleecker Street in the Town of Frankfort, Herkimer County, NY (43.089126 latitude, -75.183323 longitude). The Site is a former manufacturing facility that was used by various owners and industries from as early as 1894 until the mid 1970s when manufacturing ended at the Site. The Site is approximately 14.5 acres in size, of which, approximately 1.7 acres is located in the City of Utica, Oneida County, while the remainder is located in the Town of Frankfort, Herkimer County, New York. The Site is located at the eastern edge of the City of Utica in a largely commercial area. Commercial properties border the Site to the east, north, west and southeast. The Site is bordered to the southwest by the Masonic Care Community of New York, a large assisted living facility that has the capacity to serve approximately 300 residences. Approximately 400 residences are located within one mile of the Site and approximately 950 people live within one mile of the Site.

Savage Arms manufactured small arms and munitions at the Site until after WWII. Manufacturing at the Site slowed until the property was eventually sold in 1956 to Sperry Univac where early computer parts were developed and assembled. Sperry Univac operated at the site until operations ceased in 1976 and the property was sold. A portion of the facility was redeveloped as a retail shopping outlet known as the Charlestown Outlet Complex. At its peak, the shopping outlet housed 52 stores, two restaurants an off-track betting parlor and a food court. The Charlestown Mall operated at the west end of the site until 1991 when the complex became the Charlestown Business Complex which housed commercial tenants of various types.

The property was purchased by Charlestown Mall of Utica, LLC in 2007 and currently commercial use of the property is very limited.

1.1.2.2 Description of Threat

In recent years, several buildings at the Site have fallen into advanced states of deterioration. In early 2008, the New York State (NYS) Department of Labor (DOL) and NYS Department of Environmental Conservation (DEC) directed a demolition company to cease unpermitted demolition activities at the Site as no steps were taken to abate asbestos containing materials from the buildings and no variance was obtained prior to demolition. NYS DOL documented the presence of Asbestos Containing Materials (ACM) in the resulting debris piles. In October 2008, NYSDEC referred the Site to EPA for a removal site evaluation. As a result of efforts by the owner to obtain funding to come into compliance at the site, NYSDEC continued negotiations through October of 2009, when NYSDEC asked EPA to resume evaluation of the Site.

Evaluation of the Site in 2008 and 2009 has identified the presence of friable asbestos, corrosive and ignitable liquids, chlorinated solvents stored in drums and the presence of transformers filled with PCB-containing dielectric fluid which present direct contact threats to the public.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On November 4, 2008, EPA Removal Action Branch (RAB), Criminal Investigation Division (CID) along with Removal Support Team (RST) contractors accompanied the NYSDEC Bureau of Environmental Crimes Investigations (BECI) in the execution of a search warrant to collect samples at the Site. Samples confirmed the presence of ACM both in demolition debris and within remaining deteriorated structures. During the investigation, electrical transformers were identified, some of which had been subject to salvaging. Samples confirmed that dielectric fluid released as a result of salvaging, contained PCBs in high concentrations. A sample of oily solids collected from the floor of the transformer area revealed a concentration of 44,000 mg/kg PCBs. This investigation focused solely on the dilapidated/demolished structures on the eastern half of the Site. At that time, approximately nine commercial tenants were estimated to occupy the largely empty Site. Following this assessment, NYSDEC entered into enforcement negotiations with the owner of the property. Further evaluation of the Site by EPA was suspended, pending

the outcome of those negotiations.

In October 2009, NYSDEC requested that EPA resume evaluation of the Site. EPA performed an additional removal assessment of the Site in November 2009. This assessment was expanded to include the onsite boiler house (building 6) because evidence of salvaging was observed which had released dielectric fluid onto the ground outside the building. Evaluation of the building identified drums containing corrosive, ignitable, and toxic liquids present with the building. On November 19, 2009, EPA directed the owner of the property, Charlestown Mall, LLC, to secure the boiler house (Building 6) due to the ongoing unauthorized salvaging operations, and to dispose of the abandoned hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that Building 6 had been secured, however the owner did not dispose of the drums within the building.

Further evaluation of the large volume of demolition debris was also conducted during the November 2009 assessment. A thorough search of surface of the pulverized debris consistently confirmed small fragments of friable ACM to be present throughout the areas searched. Asbestos content of the fragments ranged from <1% to 80% asbestos (chrysotile and/or amosite).

2. Current Activities

2.1 Operations Section

2.1.1 Current Activities

During this reporting period, ERRS contractors continued to segregate, size and stockpile debris from around building 13 and from the building 9 demolition. Because no friable asbestos was present inside building 9, it will be disposed of as non-friable construction and demolition debris.

On October 4, fencing subcontractor Atlas Fencing began installation of new chain link fence along Bleecker St and at various access points around the Site.

ERRS contractors completed the abatement of asbestos containing pipe insulation from around and underneath a large diameter steam on the north side of building 6 on October 6.

On October 7, ERRS disassembled the steam pipe abatement enclosure and began selective demolition of the free-standing western wall of building 1. ERRS also constructed a small contamination reduction zone at the entrance of building 15, and began to containerize PCB contaminated debris from the floor of the building where PCB containing dielectric fluid had been spilled. In addition, a section of free-standing wall, formerly the northern wall of building 3, was demolished on October 7.

Through October 8, approximately four feet of wall had been removed from the western wall above building 1. Thirty-six bags of PCB contaminated debris were removed from building 15 and staged for later disposal.

RST performed perimeter air monitoring for particulates and air sampling for asbestos at five stations located around the perimeter of the Site. To date, all air monitoring results have been below action levels outlined in the Community Air Monitoring Plan. When available, all air monitoring results will be posted in the documents section of the website.

www.epaosc.org/charlestownmall

2.1.2 Response Actions to Date

On November 19, 2009, EPA directed the owner of the Site, Charlestown Mall of Utica, LLC to secure Building 6 and to dispose of the drums containing hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that the building had been secured; however, the owner did not dispose of the materials inside of the building. The abandoned materials will be disposed of by EPA. On August 16, 2010, EPA mobilized ERRS contractors to the Site to initiate removal activities as discussed in Section 2.2.1.1.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

In November 2008, NYSDEC BECI along with EPA Removal Action Branch and Criminal Investigation Division executed a search warrant at the Site in response to the unpermitted demolition and potential asbestos release which had been documented at the Site. In 2009 NYSDEC directed Charlestown Mall of Utica, LLC to perform a cleanup of the asbestos contaminated debris and PCBs at the Site. Several PRPs have been identified by EPA's Office of Regional Counsel (ORC) and efforts are ongoing to establish additional potentially liable parties. A complete summary of the enforcement status can be obtained through EPA ORC.

2.1.4 Progress Metrics

Asbestos Abatement:

Tunnel between building 6 and 7: **381 linear feet**

Inside building 9: **12 linear feet**

Exterior piping between building 6 and 10: **160 linear feet**

Building 6 Steam pipe: **2,500 sq. ft.**

Recycling

Scrap Metal: 18.05 tons

2.2 Planning Section

2.2.1 Anticipated Activities

2.2.1.1 Planned Response Activities

An Action Memorandum was approved on July 16, 2010 detailing the need and objective of this removal action. Removal activities will include the following:

- Characterization and disposal of drums and chemicals located inside Building 6;
- Remove and dispose of the electrical transformers and capacitors from Building 15;
- Containerize and properly dispose of the PCB-contaminated debris from the floor of Building 15;
- Demolish Building 15, segregate and dispose of PCB contaminated material as appropriate;
- Repair/replace existing chain link fence;
- Evaluate Buildings 7, 13, and 17 to determine if any bulk ACM can be safely removed prior to demolition;
- Remove and dispose of ACM from existing dilapidated structures and segregated from the debris;
- Demolish remaining portions of Buildings 5, 7, 13, and 17 that cannot be decontaminated safely;
- Demolish partially collapsed Building 9 to provide additional space to stage asbestos contaminated debris accumulated and provide access to the partially collapsed former firing range, which may contain residual lead and require off-site disposal;
- Segregate and decontaminate scrap metal for recycling;
- Off-site disposal of asbestos-contaminated debris.

2.2.1.2 Next Steps

ERRS contractors will continue to perform selective demolition of the free-standing wall at the western end of building 1. The removal of PCB contaminated debris as well as the PCB containing transformers and capacitors will continue next week. Segregation, sizing and piling of demolition debris will continue and will include the collapsed areas of building 5. Atlas fence will complete the installation of chain link fence along Bleecker St. and at various access points around the Site.

2.2.2 Issues

William Rabbia, Executive Director of the Oneida-Herkimer Solid Waste Authority, has advised EPA that a local solid waste flow control law exists which would require the waste being generated at the Charlestown Mall Site to be landfilled at the local Ava Landfill at a published cost of \$120/ton. A review of bids received for transportation and disposal of the asbestos

contaminated debris has confirmed that disposing of the material out-of-county would represent a considerable cost savings to the Agency. EPA office of regional counsel has been made aware of the flow control law and will determine if it applicable to this removal action. In the meantime, no subcontract for disposal will be issued.

Portions of the Charlestown Mall property are still in use for commercial use and private storage. As such, EPA cannot completely control access to the Site. On October 8, ERRS contractors reported that vandals had broken into building 10 and could be heard inside- presumably attempting to salvage scrap metal from the building's interior. The Utica Police were notified and responded to find four trespassers inside. The owner of the Site was notified and the trespassers were arrested. On previous occasions, people have entered into the Site through unknown access points in the active portion of the facility. As a result, EPA has decided to install chain link at interior portions of the facility including from building 4 to building 10, from building 6 to building 10 and from building 6 to building 11.

2.3 Logistics Section

Not Applicable

2.4 Finance Section

2.4.1 Narrative

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$1,175,000.00	\$222,187.08	\$952,812.92	81.09%
TAT/START	\$230,000.00	\$54,724.89	\$175,275.11	76.21%
Intramural Costs				
USEPA - Direct	\$62,000.00	\$28,500.00	\$33,500.00	54.03%
Total Site Costs	\$1,467,000.00	\$305,411.97	\$1,161,588.03	79.18%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

2.5 Safety Officer

A structural evaluation of the western wall of building 1 was conducted on September 28, 2010, due to concerns that operation of heavy equipment in close proximity of the wall could cause an unsafe condition for clean-up contractors and/or Mid-State Steel employees. Operation of heavy equipment within 50 feet of the wall has been suspended until the wall was evaluated. The

evaluation of the wall concluded that the upper section of the wall, which extends above the Mid-State Steel building, is badly deteriorated and should be demolished by hand down to the approximate roof level. Several other recommendations were made pertaining to the long-term stability of the wall. These recommendations, which are not necessary for the safe implementation of EPA's scope of work, will be passed along to the owner of the building.

2.6 Liaison Officer

Not Applicable

2.7 Information Officer

2.7.1 Public Information Officer

Not Applicable

2.7.2 Community Involvement Coordinator

Community Involvement Coordinator, Cecilia Echols, has been assigned to the Site and has created fact sheet, which is available in the documents section at www.epaosc.org/charlestownmall

3. Participating Entities

3.1 Unified Command

Not Applicable

3.2 Cooperating and Assisting Agencies

New York State Department of Environmental Conservation
New York Sate Department of Labor

4. Personnel On Site

- 1 - EPA OSC
- 9 - ERRS (KEMRON and ECCS)
- 1 - RST (Weston Solutions, Inc.)

5. Definition of Terms

ACM: Asbestos Containing Material
ERRS: Emergency Rapid Response Service contract (KEMRON Environmental Services, Inc.)
RST: Removal Support Team contract (Weston Solutions, Inc.)
ECCS: Environmental Contracting and Construction Services
PCBs: Polychlorinated biphenyls

6. Additional sources of information

6.1 Internet location of additional information/reports

- www.epaosc.org/charlestownmall
- <http://www.osha.gov/SLTC/asbestos/>
- <http://www.epa.gov/asbestos/>

6.2 Reporting Schedule

PolReps will be issued on a weekly basis.

7. Situational Reference Materials

Clicking the link below will launch Google™ Earth (if installed on your computer)

<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Site.kmz>

Note: 40 MB download, a high speed internet connection is recommended.

A line drawing depicting building layout of the Site and associated building numbers

<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Layout.pdf>